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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 CHET DUDA,

7 Plaintiff,

Case No. 2:16-cv-03044-KJD-CWH

ORDER

8 v.

9 BRIAN WILLIAMS, *et al.*,

10 Defendants.
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13 Before the Court for consideration is the Order and Report and Recommendation (#46) of
14 Magistrate Judge C.W. Hoffman, Jr. entered August 9, 2018, recommending that Plaintiff's
15 complaint against Defendant Brettenbach be dismissed without prejudice in accordance with
16 Federal Rule of Civil Procedure 4(m). Though the time for doing so has passed, Plaintiff has failed
17 to file any objections to the Report and Recommendation.

18 Also before the Court is Defendant's Motion for Appointment of Counsel (#47). However,
19 the Report and Recommendation denied a previous motion for appointment of counsel (#18).
20 Defendant failed to file points and authorities objecting to or appealing from the Order (#46)
21 denying his previous motion. Defendant's new Motion (#47) raises the exact same arguments
22 denied by the magistrate judge. Since Defendant failed to appeal the order, it is final and has
23 become the law of the case. Therefore, the Court denies the renewed motion for appointment of
24 counsel.


25 The Court has conducted a de novo review of the record in this case in accordance with 28
26 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation
27 (#46) of the United States Magistrate Judge entered August 9, 2018, should be **ADOPTED** and
28 **AFFIRMED**.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
2 (#46) entered August 9, 2018, are **ADOPTED** and **AFFIRMED**;

3 IT IS FURTHER ORDERED that Plaintiff's complaint against Defendant Brettenbach is
4 **DISMISSED without prejudice**;

5 IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (#47) is
6 **DENIED**.

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8 Dated this 5th day of October, 2018.

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11 Kent J. Dawson
12 United States District Judge
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